

Notice of Allowability

Application No.

09/912,128

Applicant(s)

SCHMITT ET AL.

Examiner

Chuck O. Kendall

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 05/04/07.
2. ☒ The allowed claim(s) is/are 29,30,32 - 51, 53 and 54 (renumbered as claims 1 - 24).
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.


Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input checked="" type="checkbox"/> Interview Summary (PTO-413),
Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit
of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____ |


TUAN DAM
SUPERVISORY PATENT EXAMINER

Reasons for Allowance

1. IDS filed 01/05/06, 05/21/04 and 03/09/005 has been considered.
2. In Examiner's final rejection of 03/28/06 Examiner objected to claims 37, 48 and 53, as being based on a rejected base claim however, Examiner did indicate that claims would be allowable if rewritten in independent form. Based on Applicant's response dated 06/28/06 and per Applicant's amendments of claims 29, 30,32 – 51, 53 and 54, and also per Applicant's most recent amendment of 09/28/06 which includes claim amendments to claim 53, claims are now in condition for allowance.

Claims 29,30,32 – 51,53 and 54 are allowed.

The following is an Examiner's statement of reasons for allowance.

The prior art of record does not teach or fairly suggest at least the limitations of:

A method to debugging a program for an industrial controller, the industrial controller having an engineering system, the method comprising:

“ wherein a user can switch between structured textual language, contact plan and function plan as forms of representation for formulation conditions”, as best illustrated by Figure 3, and in as such a manner as recited in independent claim 37.

“loading the processor-independent pseudo-code into a controller and converting the processor-independent pseudo-code into executable processor code; wherein re-translation back into motion control flowchart representation is possible by means of marks in the textual language”, as best illustrated by Figure 3, and in as such a manner as recited in independent claim 48.

“... generating a structured textual language from the flowchart; and converting the structured textual language into a processor-independent pseudo-code; wherein the programming code comprises a plurality of code level at least a subset of the plurality of debugging processes corresponds to respective ones of the plurality of code levels”, as best illustrated by Figure 3, and in as such a manner as recited in independent claim 53.

Therefore, all remaining claims 29, 30, 32 – 51, 53 and 54 are in condition for allowance.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled “Comments on Statement of Reasons for Allowance.”


Correspondence Information

3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chuck Kendall whose telephone number is 571-2723698. The examiner can normally be reached on 10:00 am - 6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tuan Dam can be reached on 571-2723695. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CK



TUAN DAM
SUPERVISORY PATENT EXAMINER